

107TH CONGRESS
2D SESSION

S. 2876

To amend part A of title IV of the Social Security Act to promote secure and healthy families under the temporary assistance to needy families program, and for other purposes.

IN THE SENATE OF THE UNITED STATES

AUGUST 1, 2002

Mrs. MURRAY (for herself and Mr. WELLSTONE) introduced the following bill;
which was read twice and referred to the Committee on Finance

A BILL

To amend part A of title IV of the Social Security Act to promote secure and healthy families under the temporary assistance to needy families program, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE; TABLE OF CONTENTS.**

4 (a) SHORT TITLE.—This Act may be cited as the
5 “Building Secure and Healthy Families Act of 2002”.

6 (b) TABLE OF CONTENTS.—The table of contents of
7 this Act is as follows:

- Sec. 1. Short title; table of contents.
- Sec. 2. Promoting secure and healthy families fund.
- Sec. 3. Equitable treatment for all families.

- Sec. 4. Improvement of addressing the needs of teen parents.
- Sec. 5. Ensuring safety and self-sufficiency for all TANF recipients.
- Sec. 6. Caring for a child or other relative.
- Sec. 7. Elimination of full-family sanctions.
- Sec. 8. Effective date.

1 **SEC. 2. PROMOTING SECURE AND HEALTHY FAMILIES**
 2 **FUND.**

3 (a) IN GENERAL.—Section 403(a)(2) of the Social
 4 Security Act (42 U.S.C. 603(a)(2)) is amended to read
 5 as follows:

6 “(2) GRANTS TO PROMOTE AND SUPPORT SE-
 7 CURE FAMILIES.—

8 “(A) IN GENERAL.—The Secretary shall
 9 provide grants to States and localities for re-
 10 search, technical assistance, replication, and ad-
 11 aptation of rigorously evaluated programs, and
 12 demonstration programs which are evaluated by
 13 independent entities in accordance with gen-
 14 erally accepted evaluation criteria and methods
 15 (including, to the maximum extent feasible, ran-
 16 dom assignment to service recipient and control
 17 groups) established by the Secretary in the fol-
 18 lowing areas:

19 “(i) Encouraging secure families
 20 through programs designed to strengthen
 21 families through different approaches to
 22 income enhancement (including programs
 23 that replicate or adapt the demonstration

1 program known as the ‘Minnesota Family
2 Investment Program’).

3 “(ii) Providing education, opportunity,
4 and support to teens to reduce first and
5 subsequent pregnancies.

6 “(iii) Increasing the ability of low-in-
7 come parents to financially and emotionally
8 support their children by securing and
9 maintaining employment and child care,
10 fulfilling other basic needs such as hous-
11 ing, hunger, and health care, paying child
12 support, and caring for their children inde-
13 pendently or in the context of mutually re-
14 spectful, non-violent, and voluntary co-par-
15 enting relationships.

16 “(B) ALLOCATION OF FUNDS.—

17 “(i) GRANTS IN EACH AREA.—In
18 making grants under this paragraph, the
19 Secretary shall ensure that not less than
20 30 percent of the funds made available
21 pursuant to this paragraph for a fiscal
22 year are used in each of the areas de-
23 scribed in subparagraph (A).

24 “(ii) TECHNICAL ASSISTANCE.—The
25 Secretary may reserve an amount equal to

1 up to 5 percent of the funds appropriated
2 under subparagraph (F) for a fiscal year
3 to provide technical assistance and to con-
4 duct research through the Office of the
5 Secretary regarding the grants made under
6 this paragraph.

7 “(C) GRANTEE REQUIREMENTS.—An enti-
8 ty receiving a grant under this paragraph
9 shall—

10 “(i) consult and coordinate with do-
11 mestic or sexual violence experts and child
12 advocates in developing project policies,
13 procedures, and training necessary to ap-
14 propriately address domestic or sexual vio-
15 lence and child abuse;

16 “(ii) provide notice to individuals,
17 orally and in writing, that participation in
18 a program or activity funded under a grant
19 made under this paragraph is voluntary
20 and that nonparticipation will not affect
21 the individual’s eligibility for assistance or
22 services under needs-based assistance pro-
23 grams;

24 “(iii) offer benefits or services under a
25 program or activity funded under a grant

made under this paragraph only to individuals who voluntarily elect to receive such benefits or services;

“(iv) not—

“(I) condition benefits or services on marital status or family structure;

“(II) counsel or encourage individuals who have been abused to remain with an abusive partner;

“(III) adopt policies or procedures that make it more difficult for an individual to leave an abusive or unhealthy relationship;

“(IV) advocate for changes in State divorce or child custody laws; or

“(V) provide funding for legal assistance in custody and visitation matters; and

“(v) not disadvantage or treat individuals differently based on marital status or family structure.

“(D) GRANTS SELECTION CRITERIA.—The Secretary shall promulgate for public comment criteria for selecting proposals to be funded with grants made under this paragraph. Such

1 criteria shall include, at a minimum, the re-
2 quirements specified in subparagraph (C) and
3 this subparagraph, including criteria that—

4 “(i) set forth a grant review process
5 that—

6 “(I) includes independent ex-
7 perts, including individuals receiving,
8 or who have ceased to receive, assist-
9 ance under the State program funded
10 under this part and individuals with
11 expertise in programs for low-income
12 families, programs for low-income fa-
13 thers who are participants in a pro-
14 gram funded under this part, pro-
15 grams addressing teen pregnancy pre-
16 vention, programs addressing teen
17 parenting or youth development, pro-
18 grams addressing domestic or sexual
19 violence, research related to such pro-
20 grams, or the administration of such
21 programs; and

22 “(II) provides that an individual
23 shall not be involved in the grant se-
24 lection process if such involvement

1 would pose a conflict of interest for
2 the individual;

3 “(ii) specify grantee qualifications and
4 requirements, including requirements
5 that—

6 “(I) grant applications contain fi-
7 nancial information, including a copy
8 of the applicant’s most recent audit
9 report; and

10 “(II) grantees agree to maintain
11 such records, make such reports, and
12 cooperate with such reviews or audits
13 as the Secretary may find necessary
14 for purposes of oversight of project
15 activities and expenditures;

16 “(iii) require grant projects funded
17 under clause (i) or (iii) of subparagraph
18 (A) to predominantly direct resources to
19 activities serving low-income individuals or
20 groups in low-income communities, cou-
21 ples, or families; and

22 “(iv) specify that proposals which seek
23 to replicate or adapt teen pregnancy pre-
24 vention programs that have been rigorously
25 evaluated and shown to be successful and

1 that provide young women who become
2 pregnant with information about resources
3 and opportunities that are available to
4 them, including the laws prohibiting dis-
5 crimination against pregnancy in education
6 and employment, will be given priority
7 within the allocation made available for
8 such projects.

9 “(E) EVALUATION.—

10 “(i) CRITERIA.—The Secretary shall
11 contract with independent entities to evalu-
12 ate the effectiveness of projects funded
13 under grants made by this paragraph.
14 Such evaluations shall—

15 “(I) include, to the maximum ex-
16 tent feasible, random assignment of
17 clients to service delivery and control
18 groups and other appropriate com-
19 parisons of groups of individuals re-
20 ceiving and not receiving services;

21 “(II) describe and measure the
22 effectiveness of the projects in achiev-
23 ing their specific project goals; and

24 “(III) describe and assess, as ap-
25 propriate, the impact of such projects

1 on marriage, parenting, domestic or
2 sexual violence, employment and earn-
3 ings, payment of child support, child
4 well-being, health, and education.

5 “(ii) REPORTS.—

6 “(I) ANNUAL DESCRIPTION OF
7 USE OF FUNDS.—Not later than 1
8 year after the date of enactment of
9 the Building Secure and Healthy
10 Families Act of 2002 and annually
11 thereafter, the Secretary shall submit
12 a report to Congress describing the
13 uses of the funds awarded under this
14 paragraph.

15 “(II) EVALUATION.— Not later
16 than January 1, 2006, the Secretary
17 shall submit to Congress a report
18 evaluating the effectiveness of pro-
19 grams funded under grants made
20 under this section.

21 “(III) PUBLIC AVAILABILITY.—
22 The Secretary shall ensure that all re-
23 ports submitted to Congress in ac-
24 cordance with this clause are publicly
25 available.

1 “(iii) FUNDING.—Of the amount ap-
 2 propriated under subparagraph (F) for a
 3 fiscal year, the Secretary shall reserve an
 4 amount equal to 5 percent of such amount
 5 for each such fiscal year for the purpose of
 6 carrying out the evaluations required
 7 under this subparagraph.

8 “(F) APPROPRIATION.—Out of any money
 9 in the Treasury of the United States not other-
 10 wise appropriated, there are appropriated for
 11 each of fiscal years 2003 through 2007,
 12 \$100,000,000 for grants under this para-
 13 graph.”.

14 (b) CONFORMING AMENDMENT.—Section
 15 402(a)(1)(A)(v) of the Social Security Act (42 U.S.C.
 16 602(a)(1)(A)(v)) is amended by striking “, and establish
 17 numerical goals for reducing the illegitimacy ratio of the
 18 State (as defined in section 403(a)(2)(C)(iii)) for calendar
 19 years 1996 through 2005”.

20 **SEC. 3. EQUITABLE TREATMENT FOR ALL FAMILIES.**

21 Section 408(a) of the Social Security Act (42 U.S.C.
 22 608(a) is amended by adding at the end the following:

23 “(12) NONDISCRIMINATION.—A State to which
 24 a grant is made under section 403 shall not dis-
 25 criminate among needy families based on marital

1 status or family structure and shall not condition as-
 2 sistance upon participation in activities or services
 3 funded under a grant made under section
 4 403(a)(2).”.

5 **SEC. 4. IMPROVEMENT OF ADDRESSING THE NEEDS OF**
 6 **TEEN PARENTS.**

7 (a) AUTHORITY TO PROVIDE ASSISTANCE TO TEEN-
 8 AGE PARENTS IN ORDER FOR THE PARENTS TO COMPLY
 9 WITH PROGRAM REQUIREMENTS.—

10 Section 408(a) of the Social Security Act (42 U.S.C.
 11 608(a)) is amended—

12 (1) in paragraph (4)—

13 (A) by striking “A State” and inserting
 14 the following:

15 “(A) IN GENERAL.—Subject to subpara-
 16 graph (B), a State”;

17 (B) by striking “participate in” and all
 18 that follows through the period and inserting
 19 “participate in educational activities directed
 20 toward the attainment of a high school diploma
 21 or its equivalent or an alternative educational
 22 or training program that has been approved by
 23 the State.”; and

24 (C) by adding at the end the following:

1 “(B) EXCEPTION.—A State may elect to
 2 provide assistance for a period determined by
 3 the State (not to exceed the greater of 90 days
 4 or until the educational activities in which the
 5 parent is enrolled begins) to assist the parent to
 6 come into compliance with the requirements of
 7 this paragraph.”; and
 8 (2) in paragraph (5)—

9 (A) in subparagraph (A)(i), by striking
 10 “subparagraph (B)” and inserting “subpara-
 11 graphs (B) and (C)”;

12 (B) in subparagraph (B), in the heading,
 13 by striking “EXCEPTION” and inserting “LO-
 14 CATING APPROPRIATE LIVING ARRANGEMENTS”;
 15 and

16 (C) by adding at the end the following:

17 “(C) EXCEPTION.—A State may elect to
 18 provide assistance for a period determined by
 19 the State (not to exceed 90 days) to assist the
 20 parent to come into compliance with the re-
 21 quirements of this paragraph.”.

22 (b) INCLUSION OF TEEN PARENTS ATTENDING
 23 SCHOOL IN WORK PARTICIPATION RATES.—Section
 24 407(c)(2)(C) of the Social Security Act (42 U.S.C.
 25 607(c)(2)(C)) is amended to read as follows:

1 “(C) TEEN HEAD OF HOUSEHOLD WHO
 2 MAINTAINS SATISFACTORY SCHOOL ATTEND-
 3 ANCE DEEMED TO BE MEETING WORK PARTICI-
 4 PATION REQUIREMENTS.—For purposes of de-
 5 termining monthly participation rates under
 6 subsection (b)(1)(B)(i)—

7 “(i) a recipient who is a head of
 8 household and has not yet attained age 20
 9 is deemed to be engaged in work for a
 10 month in a fiscal year if the recipient—

11 “(I) maintains satisfactory at-
 12 tendance at secondary school or the
 13 equivalent during the month;

14 “(II) participates in education di-
 15 rectly related to employment, includ-
 16 ing vocational education and training
 17 for nontraditional jobs, for at least 20
 18 hours per week; or

19 “(III) participates in post-sec-
 20 ondary education, including study
 21 time for not less than 1 hour, nor
 22 more than 2 hours, per every class
 23 hour, for at least 20 hours per week;
 24 or

1 “(ii) a recipient who is a head of
 2 household is deemed to be engaged in work
 3 for a month in a fiscal year if the recipient
 4 is participating in a continuous course or
 5 program of education or training described
 6 in clause (i) that the individual began be-
 7 fore attaining age 20.”.

8 (c) EXCLUSION FROM TIME LIMIT FOR RECEIPT OF
 9 ASSISTANCE.—Section 408(a)(7) of the Social Security
 10 Act (42 U.S.C. 608(a)(7)) is amended by adding at the
 11 end the following:

12 “(H) TEEN PARENTS.—In determining the
 13 number of months for which an individual has
 14 received assistance under the State program
 15 funded under this part, the State shall dis-
 16 regard any month during which a head of
 17 household, who has not yet attained age 20, is
 18 satisfactorily participating in a course or pro-
 19 gram of education or training, including sec-
 20 ondary school or its equivalent, vocational edu-
 21 cation, or post-secondary school.”.

22 (d) REPORTS ON TEEN PREGNANCIES AND TEEN
 23 PARENTS.—

24 (1) ELIMINATION FROM SECRETARIAL REPORT
 25 OF OUT-OF-WEDLOCK PREGNANCIES AND INCLUSION

1 OF TEENAGE PREGNANCIES.—Section
 2 411(b)(1)(B)(ii) of the Social Security Act (42
 3 U.S.C. 611(b)(1)(B)(ii)) is amended by striking
 4 “out-of-wedlock” and inserting “teenage”.

5 (2) STUDIES ON TEEN PARENTS.—Section 413
 6 of the Social Security Act (42 U.S.C. 613) is amend-
 7 ed by adding at the end the following:

8 “(k) TEEN PARENT STUDY AND REPORT.—

9 “(1) STUDY OF TANF RECIPIENTS.—The Sec-
 10 retary shall conduct a study of a representative sam-
 11 ple of recipients of assistance under State programs
 12 funded under this part who are parents and have
 13 not attained age 20 to determine the following:

14 “(A) Whether State data on the number of
 15 such recipients is accurately reflected in Fed-
 16 eral data, including an examination of the ex-
 17 tent to which such recipients who are members
 18 of a family are not reflected in the data, and
 19 an examination of the extent to which Federal
 20 estimation methods do not reflect the number
 21 of such recipients in a State.

22 “(B) What assessment procedures are uti-
 23 lized with such recipients, and whether there
 24 appear to be best practices that consider such
 25 issues as whether the recipient has an edu-

1 cational barrier such as a learning disability or
2 mental health problem.

3 “(C) Whether localities appear to have
4 adequate and appropriate services that meet the
5 needs of such recipients in areas such as infant
6 care, education, training, and mental health, for
7 services such as appropriate housing, mental
8 health, and alternative education, whether staff
9 assist teen parents in researching and locating
10 such services including an appropriate living ar-
11 rangement, and the extent to which such recipi-
12 ents who have not completed high school or the
13 equivalent are encouraged to engage in edu-
14 cation or work.

15 “(D) How State rules providing that, in
16 determining the eligibility of such a recipient
17 for such assistance, the income of the recipient
18 is deemed to include the income of any parents
19 with whom the recipient is living, appear to
20 have affected the extent to which such a recipi-
21 ent who is a member of a family with income
22 less than 200 percent of the poverty line (as de-
23 fined in section 673(2) of the Omnibus Budget
24 Reconciliation Act of 1981, including any revi-
25 sion required by such section, applicable to a

1 family of the size involved) is able to participate
 2 in a State program funded under this part.

3 “(E) Demographic information such as—

4 “(i) the age of such recipients;

5 “(ii) the amount of time such recipi-
 6 ents received such assistance in a given
 7 year;

8 “(iii) the number of children that
 9 such recipients have;

10 “(iv) school attainment by such recipi-
 11 ents, by age;

12 “(v) the employment status of such
 13 recipients, such as whether a recipient has
 14 ever worked or has worked while in school;
 15 and

16 “(vi) the child care arrangements of
 17 such recipients.

18 “(2) STUDY OF LOW-INCOME TEEN PARENTS
 19 WHO ARE NOT TANF RECIPIENTS.—The Secretary
 20 shall conduct a study of a representative sample of
 21 low-income (as determined by the Secretary) teen
 22 parents who are not recipients of assistance under a
 23 State program funded under this part to determine
 24 the following:

1 “(A) Whether the teen parent sought to
2 apply for such assistance.

3 “(B) Whether a teen parent who indicated
4 to a State a desire to apply for such assistance
5 received an application for such assistance.

6 “(C) Whether a teen parent who applied
7 for such assistance was subsequently contacted
8 by the State agency responsible for operating a
9 State program funded under this part.

10 “(3) REPORT TO THE CONGRESS.—

11 “(A) IN GENERAL.—Within 3 years after
12 the date of enactment of this subsection, the
13 Secretary shall submit to Congress a report
14 that contains the findings of the study required
15 by this subsection and recommendations regard-
16 ing such issues as how to improve data report-
17 ing, State plans, State ‘best practice’ informa-
18 tion-sharing, and assessments.

19 “(B) ADVISORY GROUP.—The Secretary
20 shall establish an advisory group consisting of
21 representatives from not more than 6 organiza-
22 tions that work with parents who have not at-
23 tained age 20, to provide advice to the Sec-
24 retary on questions relating to such parents
25 that should be investigated and to provide com-

1 ments to accompany the recommendations in
 2 the report required by subparagraph (A). The
 3 advisory group established under this subpara-
 4 graph shall include a representative from the
 5 Association of Maternal and Child Health Pro-
 6 grams, the National Organization on Adolescent
 7 Pregnancy Parenting and Prevention and a sin-
 8 gle parent receiving assistance under the State
 9 program funded under this part who has not at-
 10 tained age 20.

11 “(1) STUDY REGARDING SANCTIONS IMPOSED ON
 12 TEEN PARENTS.—

13 “(1) IN GENERAL.—The Secretary, directly or
 14 through grants, contracts, or interagency agree-
 15 ments, shall conduct a multi-State study regarding
 16 sanctions imposed on teen parents to examine the
 17 nature, extent, and impact of such sanctions.

18 “(2) CONTENTS.—The study conducted pursu-
 19 ant to paragraph (1) shall include information on—

20 “(A) which rules are generating the most
 21 sanctions;

22 “(B) whether families with teen parents
 23 and those headed by teen parents are sanc-
 24 tioned at rates higher than families headed by
 25 adults;

1 “(C) whether sanction policies are under-
2 stood by teen parents in advance of sanction;

3 “(D) whether sanction notice procedures
4 and mechanisms for cure are understood by
5 teen parents;

6 “(E) whether sanction notice procedures
7 and mechanisms for cure are understood by
8 local welfare officials;

9 “(F) best practices from the study sites or
10 elsewhere that would help States improve their
11 sanctions systems;

12 “(G) what is known about the impacts of
13 sanctions on families with teen parents; and

14 “(H) how a State might best collect and
15 analyze local teen parent sanction data in order
16 to use the data as an in-State program manage-
17 ment tool.

18 “(3) REPORT TO CONGRESS.—Not later than
19 September 30, 2004, the Secretary shall submit to
20 Congress the results of the study conducted pursu-
21 ant to paragraph (1).”.

22 **SEC. 5. ENSURING SAFETY AND SELF-SUFFICIENCY FOR**
23 **ALL TANF RECIPIENTS.**

24 (a) ADDRESSING DOMESTIC OR SEXUAL VIOLENCE
25 IN THE TANF PROGRAM.—Section 402(a)(7) of the So-

1 cial Security Act (42 U.S.C. 602(a)(7)) is amended to
2 read as follows:

3 “(7) CERTIFICATIONS REGARDING DOMESTIC
4 OR SEXUAL VIOLENCE.—

5 “(A) GENERAL PROVISIONS.—A certifi-
6 cation by the chief executive officer of the State
7 that the State has established and is enforcing
8 standards and procedures to ensure domestic or
9 sexual violence is comprehensively addressed,
10 and a written document outlining how the State
11 will do the following:

12 “(i) Address the needs of applicants
13 or recipients or their families who are or
14 have been subjected to domestic or sexual
15 violence or are at risk of future such vio-
16 lence, including how the State will—

17 “(I) have trained caseworkers
18 identify, and, at the option of the in-
19 dividual, assess individuals who are or
20 have been subjected to domestic or
21 sexual violence or are at risk of future
22 such violence;

23 “(II) adequately inform each in-
24 dividual of eligibility and program re-
25 quirements, confidentiality provisions,

1 domestic or sexual violence services
2 available within the community and
3 within the program funded under this
4 part, good cause exemptions modifica-
5 tion and waiver of program require-
6 ments on the basis of domestic or sex-
7 ual violence, benefits eligibility for im-
8 migrant victims of domestic or sexual
9 violence, and the procedures to obtain
10 such modifications, waivers, benefits,
11 and services;

12 “(III) refer individuals who are
13 or have been subjected to domestic or
14 sexual violence or are at risk of future
15 such violence to community-based do-
16 mestic or sexual violence programs or
17 other supportive services, modify or
18 waive eligibility or program require-
19 ments or prohibitions to address do-
20 mestic or sexual violence barriers, and
21 ensure such individual’s access to job
22 training, vocational rehabilitation,
23 child care, and other employment-re-
24 lated services as appropriate;

1 “(IV) implement procedures to
2 maintain the privacy and confiden-
3 tiality of applicants and recipients
4 identified as being or having been
5 subjected to domestic or sexual vio-
6 lence and restrict the disclosure of
7 any identifying information obtained
8 through any process or procedure im-
9 plemented pursuant to this paragraph
10 absent the individual’s written consent
11 or unless otherwise required to do so
12 under law;

13 “(V) pursuant to a determination
14 of good cause, waive, without time
15 limit, any Federal or State eligibility
16 or program requirement or prohibition
17 for so long as necessary, in every case
18 in which domestic or sexual violence
19 has been verified for any individual or
20 family receiving assistance under this
21 part and the requirement makes it
22 more difficult for the individual to ad-
23 dress, escape or recover from the vio-
24 lence, unfairly penalizes the indi-

vidual, or makes the individual or any
child of the individual unsafe; and

“(VI) provide policies and procedures regarding verification of past, present, or the risk of future domestic or sexual violence that are flexible and not unduly burdensome, including accepting any one of the following forms of verification: documentation from police, court, medical or social service agencies, domestic or sexual violence counselors or organizations or others who have had contact with the applicant or recipient, written statements from third parties knowledgeable of the individual’s circumstances, and signed written statements from the applicant or recipient.

“(ii) Coordinate or contract with State or tribal domestic or sexual violence coalitions or domestic or sexual violence programs in the development and implementation of standards, procedures, training, and programs required under this part to address domestic or sexual violence.

1 “(iii) Train caseworkers for recipients
2 of assistance under the State program
3 funded under this part in—

4 “(I) the nature and dynamics of
5 domestic or sexual violence and the
6 ways in which such violence may act
7 to obstruct the economic security or
8 safety of the individual and any child
9 of the individual;

10 “(II) the standards, policies, and
11 procedures implemented pursuant to
12 this part, including the individual’s
13 rights and protections, such as notice
14 and confidentiality;

15 “(III) how to screen for, and
16 identify when, domestic or sexual vio-
17 lence creates barriers to compliance,
18 how to make effective referrals for
19 services, and how to modify eligibility
20 and program requirements and prohi-
21 bitions to address domestic or sexual
22 violence barriers; and

23 “(IV) the process for determining
24 good cause for noncompliance with an
25 eligibility or program requirement or

1 prohibition and granting waivers of
2 such requirements.

3 “(iv) At State option, enter into con-
4 tracts with or employ qualified profes-
5 sionals for the provision of services in each
6 of the fields of domestic or sexual violence.

7 “(B) DEFINITIONS.—In this part:

8 “(i) DOMESTIC OR SEXUAL VIO-
9 LENCE.—The term ‘domestic or sexual vio-
10 lence’ has the meaning given the term ‘bat-
11 tered or subjected to extreme cruelty’ in
12 section 408(a)(7)(C)(iii).

13 “(ii) QUALIFIED PROFESSIONAL.—
14 The term ‘qualified professional’ includes a
15 State or local organization with recognized
16 expertise in the dynamics of domestic or
17 sexual violence who has as one of its pri-
18 mary purposes to provide services to vic-
19 tims of domestic or sexual violence, such as
20 a sexual assault crisis center or domestic
21 or sexual violence program, or an indi-
22 vidual trained by such an organization.”.

23 (b) ASSESSMENT.—Section 408(b) of the Social Se-
24 curity Act (42 U.S.C. 608(b)) is amended—

1 (1) in paragraph (1), in the matter preceding
2 subparagraph (A), by striking “and employability”
3 and inserting “employability, and potential barriers,
4 including domestic or sexual violence, mental or
5 physical health, learning disability, substance abuse,
6 English as a second language, child care needs, in-
7 sufficient housing, or transportation”; and

8 (2) in paragraph (2)(A)—

9 (A) in clause (iv), by striking “and” at the
10 end;

11 (B) in clause (v), by striking the period
12 and inserting a semicolon; and

13 (C) by adding at the end the following:

14 “(vi) documents the individual’s re-
15 ceipt of adequate notice of program re-
16 quirements, confidentiality provisions, as-
17 sessment and program services, and waiv-
18 ers available to individuals who have or
19 may have been subjected to domestic or
20 sexual violence or are at risk for future
21 such violence, as well as the process to ac-
22 cess such services or waivers; and

23 “(vii) may not require the individual
24 to participate in services to address domes-
25 tic or sexual violence.”.

1 (c) REVIEW AND CONCILIATION PROCESS.—Section
 2 408(a) of the Social Security Act (42 U.S.C. 608(a)), as
 3 amended by section 3, is amended by adding at the end
 4 the following:

5 “(13) REVIEW AND CONCILIATION PROCESS
 6 FOR FAMILIES SUBJECTED TO DOMESTIC OR SEXUAL
 7 VIOLENCE.—

8 “(A) IN GENERAL.—A State to which a
 9 grant is made under section 403 shall not im-
 10 pose a sanction or penalty against an individual
 11 under the State program funded under this
 12 part on the basis of noncompliance by an indi-
 13 vidual or family with a program requirement
 14 where domestic or sexual violence is a signifi-
 15 cant contributing factor in the noncompliance.

16 “(B) REQUIREMENT.—Prior to imposing a
 17 sanction or penalty against an individual under
 18 the State program funded under this part, the
 19 State shall—

20 “(i) specifically consider whether the
 21 individual has been or is being subjected to
 22 domestic or sexual violence; and

23 “(ii) if such violence is identified—

1 “(I) make a reasonable effort to
 2 modify or waive program require-
 3 ments or prohibitions; and
 4 “(II) offer the individual referral
 5 to voluntary services to address the vi-
 6 olence.”.

7 (d) STATE OPTION TO INCLUDE SURVIVORS OF DO-
 8 MESTIC OR SEXUAL VIOLENCE IN WORK PARTICIPATION
 9 RATES.—Section 407(c)(2) of the Social Security Act (42
 10 U.S.C. 607(c)(2)) is amended by adding at the end the
 11 following:

12 “(E) STATE OPTION TO INCLUDE SUR-
 13 VIVORS OF DOMESTIC OR SEXUAL VIOLENCE.—
 14 For purposes of determining monthly participa-
 15 tion rates under subsection (b)(1)(B)(i), a State
 16 may deem an individual receiving services to ad-
 17 dress having been or being subjected to domes-
 18 tic or sexual violence, or receiving a waiver from
 19 program requirements under section 402(a)(7),
 20 as being engaged in work for the month.”.

21 (e) AUTHORITY TO GRANT GOOD CAUSE DOMESTIC
 22 OR SEXUAL VIOLENCE WAIVERS FROM 20 PERCENT LIM-
 23 ITATION ON HARDSHIP EXCEPTION.—Section
 24 408(a)(7)(C)(ii) of the Social Security Act (42 U.S.C.
 25 608(a)(7)(C)(ii)) is amended—

1 (1) by striking “The average” and inserting the
2 following:

3 “(I) IN GENERAL.—The aver-
4 age”; and

5 (2) by adding at the end the following:

6 “(II) EXCEPTION.—A State may
7 exceed the 20 percent limitation under
8 subclause (I) in order to grant good
9 cause waivers to extend the time limit
10 for receipt of assistance with respect
11 to a family based on the need for con-
12 tinued assistance due to current or
13 past domestic or sexual violence, or
14 the risk of further violence.”.

15 (f) ANNUAL REPORTS ON IMPACT OF DOMESTIC OR
16 SEXUAL VIOLENCE RULES, SERVICES, AND PRACTICES.—
17 Section 411 of the Social Security Act (42 U.S.C. 611)
18 is amended by adding at the end the following:

19 “(c) ANNUAL REPORTS ON IMPACT OF DOMESTIC OR
20 SEXUAL VIOLENCE RULES, SERVICES, AND PRACTICES.—

21 “(1) STATE REPORTS.—Not later than January
22 of each fiscal year, each State shall collect and re-
23 port to the Secretary, with respect to the preceding
24 fiscal year, the following information, including any

1 changes to such information from reports for years
2 previously submitted:

3 “(A) A copy of all rules and policies gov-
4 erning the State procedures to address domestic
5 or sexual violence, including State rules and
6 policies not required by Federal law.

7 “(B) The number and percentage of total
8 applicants and recipients who apply for waivers
9 of program requirements and the number of
10 such waivers granted broken down by the type
11 of program requirement waived (such as work
12 requirements and child support cooperation re-
13 quirements) and by race.

14 “(C) The following information, broken
15 down by race:

16 “(i) The number of families who have
17 been contacted for review and conciliation
18 prior to sanction under this part.

19 “(ii) The percentage of families at
20 risk of sanction that are identified as hav-
21 ing been subjected to domestic or sexual
22 violence.

23 “(iii) The results of review and concil-
24 iation.

1 “(iv) The percentage of sanctioned
 2 families for whom domestic or sexual vio-
 3 lence was a factor leading to their inability
 4 to comply with program requirements.

5 “(2) SECRETARY’S REPORT.—Not later than
 6 June of each fiscal year, the Secretary shall review
 7 and publish the State reports submitted under para-
 8 graph (1).

9 “(3) USE OF DATA.—For each State for which
 10 the data submitted under paragraph (1) dem-
 11 onstrates racial inequalities and disparities in imple-
 12 mentation and impact, the Secretary shall initiate a
 13 review of State practices funded under this part and
 14 shall work with the State to devise programs and
 15 practices to ensure that the provisions of this part
 16 equitably improve the circumstances of all applicants
 17 and recipients.”.

18 (g) TECHNICAL ASSISTANCE.—Section 413 of the So-
 19 cial Security Act (42 U.S.C. 613), as amended by section
 20 4(d)(2), is amended by adding at the end the following:

21 “(1) TECHNICAL ASSISTANCE.—

22 “(1) GRANTS AUTHORIZED.—The Secretary
 23 shall make an award to a national victim services or-
 24 ganization or organizations to identify and provide
 25 technical assistance with respect to model standards

1 and procedures, practices, and training designed to
2 comprehensively address domestic or sexual violence,
3 including for survivors of such violence with multiple
4 barriers, and move individuals subjected to domestic
5 or sexual violence into employment without compro-
6 mising the safety of the individual or of any child of
7 the individual.

8 “(2) GRANTS TO STATES.—The Secretary shall
9 provide grants to States and localities to contract
10 with a State or tribal domestic or sexual violence co-
11 alition or joint domestic or sexual violence coalition
12 to—

13 “(A) provide training to caseworkers and
14 technical assistance regarding screening, assess-
15 ing, and providing services to address domestic
16 or sexual violence, modifying or waiving eligi-
17 bility or program requirements or prohibitions,
18 and assisting individuals subjected to domestic
19 or sexual violence to secure and retain employ-
20 ment; and

21 “(B) develop and implement demonstration
22 projects to promote best practices in serving in-
23 dividuals who have been subjected to domestic
24 or sexual violence, with priority given to pro-

1 grams that contract with qualified profes-
2 sionals.

3 “(3) AUTHORIZATION OF APPROPRIATIONS.—

4 There are authorized to be appropriated to the
5 Secretary—

6 “(A) to carry out paragraph (1),
7 \$1,000,000 for fiscal year 2003; and

8 “(B) to carry out paragraph (2), not more
9 than \$10,000,000 for each of fiscal years 2003
10 through 2007.”.

11 **SEC. 6. CARING FOR A CHILD OR OTHER RELATIVE.**

12 (a) INCLUSION OF CARE FOR A CHILD OR OTHER
13 RELATIVE WITH A SERIOUS HEALTH CONDITION OR A
14 DISABILITY AND ACTIVITIES DESIGNED TO ADDRESS
15 BARRIERS IN WORK ACTIVITIES.—

16 (1) IN GENERAL.—Section 407 of the Social
17 Security Act (42 U.S.C. 607) is amended—

18 (A) in subsection (c)—

19 (i) in subparagraphs (A) and (B) of
20 paragraph (1), by striking “or (12)” each
21 place it appears and inserting “(12), or
22 (14)”;

23 (ii) in paragraph (2), as amended by
24 section 5(d), by adding at the end the fol-
25 lowing:

1 “(F) CARING FOR A CHILD OR OTHER
 2 RELATIVE WHO HAS A SERIOUS HEALTH CONDI-
 3 TION OR A DISABILITY.—For purposes of deter-
 4 mining monthly participation rates under sub-
 5 section (b)(1)(B)(i), a recipient who is engaged
 6 in the provision of appropriate care to a child
 7 or other relative who has a serious health condi-
 8 tion or a disability, in accordance with sub-
 9 section (d)(13)(B), shall be deemed to be en-
 10 gaged in work for a month.”; and

11 (B) in subsection (d)—

12 (i) in paragraph (11), by striking
 13 “and” at the end;

14 (ii) in paragraph (12), by striking the
 15 period and inserting a semicolon; and

16 (iii) by adding at the end the fol-
 17 lowing:

18 “(13) the provision of care to—

19 “(A) one’s own child who has not attained
 20 age 1 (or at State option, up to age 3); or

21 “(B) one’s own child or other relative who
 22 has a serious health condition or a disability;
 23 and

24 “(14) attending health appointments or service
 25 plan meetings for a child or other relative with a se-

1 rious health condition or a disability, or partici-
 2 pating in training regarding care of a child or other
 3 relative with a serious health condition or a dis-
 4 ability.”.

5 (2) CONFORMING AMENDMENT.—Section
 6 407(b) of the Social Security Act (42 U.S.C.
 7 607(b)), is amended by striking paragraph (5).

8 (b) SCREENING, REFERRAL, AND ADJUSTMENT OF
 9 WORK REQUIREMENTS AS PART OF INDIVIDUAL RESPON-
 10 SIBILITY PLANS.—Section 408(b)(2)(A) of the Social Se-
 11 curity Act (42 U.S.C. 608(b)(2)(A)), as amended by sec-
 12 tion 5(b)(2), is amended—

13 (1) in clause (vi), by striking “and” at the end;

14 (2) in clause (vii), by striking the period and in-
 15 serting “; and”; and

16 (3) by adding at the end the following:

17 “(viii) includes screening, referral for
 18 appropriate services, including child care
 19 needs (subject to clause (vii)), or adjust-
 20 ment of work requirements for an indi-
 21 vidual who cares for a child or other rel-
 22 ative with a serious health condition or a
 23 disability or has unmet child care needs.”.

24 (c) LIMITATION ON WORK REQUIREMENTS FOR PAR-
 25 ENTS WITH CHILDREN.—

1 (1) IN GENERAL.—

2 (A) IN GENERAL.—Section 407(c)(2)(B) of
3 the Social Security Act (42 U.S.C.
4 607(c)(2)(B)) is amended to read as follows:

5 “(B) LIMITATION ON WORK REQUIRE-
6 MENTS FOR PARENTS WITH CHILDREN.—

7 “(i) IN GENERAL.—In the case of an
8 individual who is a single custodial parent,
9 the following rules shall apply for purposes
10 of determining monthly participation rates
11 under subsection (b)(1)(B)(i):

12 “(I) SINGLE CUSTODIAL PARENT
13 WITH CHILD UNDER AGE 6.—A single
14 custodial parent of a child who has at-
15 tained age 1 but has not attained age
16 6 is deemed to be engaged in work for
17 a month if the recipient is engaged in
18 work for an average of at least 20
19 hours per week during the month.

20 “(II) SINGLE CUSTODIAL PAR-
21 ENT WITHOUT ACCESS TO BEFORE OR
22 AFTER SCHOOL CARE FOR A CHILD
23 AGE 6 TO 13.—A single custodial par-
24 ent who has certified a lack of mean-
25 ingful access to before or after school

1 care for a child who has attained age
 2 6 but has not attained age 13 is
 3 deemed to be engaged in work for a
 4 month if the recipient is engaged in
 5 work for an average of at least 20
 6 hours per week during the month.

7 “(ii) DEFINITION OF SINGLE CUSTO-
 8 DIAL PARENT.—For purposes of this sub-
 9 paragraph, the term ‘single custodial par-
 10 ent’ means a custodial parent (biological or
 11 adopted) who is the only able-bodied adult
 12 in the household.

13 (2) REQUIREMENT TO EXEMPT RELATIVE
 14 CARETAKERS FROM WORK REQUIREMENTS AND TO
 15 MAKE SUCH CARETAKERS ELIGIBLE FOR BENEFITS
 16 TO THE SAME EXTENT AS OTHER ADULT RECIPI-
 17 ENTS.—Section 408(a) of the Social Security Act
 18 (42 U.S.C. 608(a)), as amended by section 5(c) is
 19 amended by adding at the end the following:

20 “(14) REQUIREMENT TO EXEMPT RELATIVE
 21 CARETAKERS FROM WORK REQUIREMENTS AND TO
 22 MAKE SUCH CARETAKERS ELIGIBLE FOR BENEFITS
 23 TO THE SAME EXTENT AS OTHER ADULT RECIPI-
 24 ENTS.—A State to which a grant is made under sec-
 25 tion 403 shall—

1 “(A) exempt any caretaker who is a rel-
 2 ative of a child eligible for assistance under this
 3 part (other than a parent of the child) from any
 4 work requirement imposed under this part;

5 “(B) not consider a family that includes
 6 such a relative caretaker as a family receiving
 7 assistance under the State program funded
 8 under this part for purposes of determining
 9 monthly participation rates under section
 10 407(b) unless the relative caretaker is volun-
 11 tarily working, and the State has assessed the
 12 needs of the kinship care family and provided
 13 the family with, or referred the family for, ap-
 14 propriate services, in which case the State may
 15 opt to include such caretaker in the calculation
 16 of such rates; and

17 “(C) make such a relative caretaker eligi-
 18 ble for any benefit or service funded under this
 19 part to the same extent as other adult recipi-
 20 ents of assistance under the State program
 21 funded under this part are eligible for such ben-
 22 efits or services.”.

23 (B) CONFORMING AMENDMENT TO TIME
 24 LIMIT FOR RECEIPT OF ASSISTANCE.—Section
 25 408(a)(7)(A) of the Social Security Act (42

1 U.S.C. 608(a)(7)(A)) is amended by inserting
2 “who is the birth or adoptive parent of a child
3 in the family and” after “adult”.

4 (d) PROTECTIONS FOR FAMILIES.—Section 407(e)(2)
5 of the Social Security Act (42 U.S.C. 607(e)) is amended
6 to read as follows:

7 “(2) EXCEPTION FOR LACK OF CHILD CARE.—
8 Notwithstanding paragraph (1), a State may not re-
9 duce or terminate assistance under the State pro-
10 gram funded under this part based on a refusal of
11 an individual to engage in work required in accord-
12 ance with this section if the individual is a single
13 custodial parent (as defined in subsection
14 (c)(2)(B)(ii)) caring for a child who has not yet at-
15 tained age 13 and certifies that the individual does
16 not have meaningful access to safe, appropriate, af-
17 fordable and quality care for the child.”.

18 (e) TREATMENT OF CARE FOR A CHILD’S OR OTHER
19 RELATIVE’S HEALTH NEEDS AS A WORK ACTIVITY.—
20 Section 407(c)(2) of the Social Security Act (42 U.S.C.
21 607(c)(2)), as amended by subsection (a)(1)(A)(ii), is
22 amended by adding at the end the following:

23 “(G) ALLOWANCE FOR CARE FOR A
24 CHILD’S OR OTHER RELATIVE’S HEALTH
25 NEEDS.—For purposes of determining monthly

1 participation rates under subsection
 2 (b)(1)(B)(i), the State may, in determining
 3 hours of participation—

4 “(i) make reasonable allowances for
 5 absences of a participant necessary to care
 6 for a child’s or other relative’s health
 7 needs, or the health needs of the partici-
 8 pant; and

9 “(ii) make such other reasonable al-
 10 lowances for absences of a participant as
 11 the State determines appropriate, in a
 12 manner consistent with the State’s leave
 13 policies generally applicable to State em-
 14 ployees.”.

15 (f) EXCEPTION TO TIME LIMIT FOR FAMILIES CAR-
 16 ING FOR A CHILD OR OTHER RELATIVE WITH A SERIOUS
 17 HEALTH CONDITION OR A DISABILITY.—Section
 18 408(a)(7) of the Social Security Act (42 U.S.C.
 19 608(a)(7)), as amended by section 4(c), is amended by
 20 adding at the end the following:

21 “(I) EXCEPTION TO TIME LIMIT FOR FAMI-
 22 LIES CARING FOR SERIOUSLY ILL OR DISABLED
 23 CHILD OR DEPENDENT ADULT.—For purposes
 24 of subparagraph (A), a benefit provided to a
 25 family during a month under the State program

1 funded under this part shall not be considered
 2 assistance under the program if, during the
 3 month, the parent or caretaker relative for the
 4 family was engaged in caring for a child or
 5 other relative who has a serious health condi-
 6 tion or a disability.”.

7 (g) NOTICE.—Section 408(b)(2)(A) of the Social Se-
 8 curity Act (42 U.S.C. 608(b)(2)(A)), as amended by sub-
 9 section (b), is amended—

10 (1) in clause (vii), by striking “and” at the end;

11 (2) in clause (viii), by striking the period and
 12 inserting “; and”; and

13 (3) by adding at the end the following:

14 “(ix) documents the individual’s re-
 15 ceipt of adequate notice of any child care
 16 assistance and any child care-related pro-
 17 tections or exemptions from program re-
 18 quirements for which the individual may be
 19 eligible.”.

20 (h) CHILD CARE REVIEW AND CONCILIATION.—Sec-
 21 tion 408(a) of the Social Security Act (42 U.S.C. 608(a)),
 22 as amended by section 6(c)(2), is amended by adding at
 23 the end the following:

24 “(15) REVIEW AND CONCILIATION PROCESS
 25 FOR NONCOMPLIANCE WHERE LACK OF MEANING-

1 FUL ACCESS TO CHILD CARE IS A SIGNIFICANT CON-
2 TRIBUTING FACTOR.—

3 “(A) IN GENERAL.—A State to which a
4 grant is made under section 403 shall not im-
5 pose a sanction or penalty against an individual
6 under the State program funded under this
7 part on the basis of noncompliance by an indi-
8 vidual or family with a program requirement,
9 where lack of meaningful access to child care is
10 a significant contributing factor in the non-
11 compliance.

12 “(B) REQUIREMENT.—Prior to imposing a
13 sanction or penalty against an individual under
14 the State program funded under this part, the
15 State shall—

16 “(i) specifically consider whether the
17 individual lacks access to safe, appropriate,
18 affordable, quality child care;

19 “(ii) if a lack of access to child care
20 is identified, provide information regarding
21 child care assistance for which the indi-
22 vidual or family may be eligible; and

23 “(iii) modify or waive program re-
24 quirements as necessary with respect to
25 the individual or family.”.

1 **SEC. 7. ELIMINATION OF FULL-FAMILY SANCTIONS.**

2 Section 407(e)(1) of the Social Security Act (42
3 U.S.C. 607(e)(1)) is amended by striking “the State
4 shall” and all that follows through the period and insert-
5 ing the following “the State shall reduce the amount of
6 assistance otherwise payable to the family pro rata with
7 respect to any period during a month in which the indi-
8 vidual so refuses, subject to such good cause and other
9 exceptions as the State may establish.”.

10 **SEC. 8. EFFECTIVE DATE.**

11 The amendments made by this Act take effect on Oc-
12 tober 1, 2002.

○